

MICHAEL A. CARDOZO
Corporation Counsel

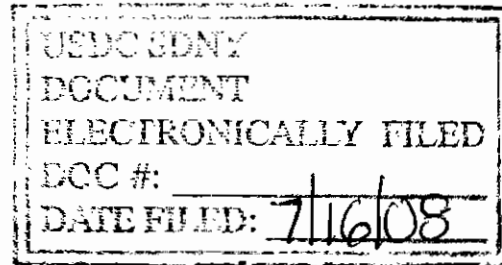
THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

ROBYN N. PULLIO
Assistant Corporation Counsel
Special Federal Litigation Division
Tel.: (212) 788-1090
Fax: (212) 788-9776
Email: rpullio@law.nyc.gov

July 7, 2008

BY FAX

Honorable Robert W. Sweet
United States District Court Judge
Southern District of New York
500 Pearl Street, Room 1920
New York, New York 10007
Fax: (212) 805-7925



Re: Chrystal Richardson, et. al. v. City of New York, et al., 07 CV 9891 (RWS)

Your Honor:

I am the Assistant Corporation Counsel in the Office of Michael A. Cardozo, Corporation Counsel for the City of New York, assigned to the above-referenced case on behalf of defendants the City of New York, Assistant Corporation Counsel Angela Cruz and Police Officer Humberto Arboleda.¹ I am writing on behalf of the parties in this matter to respectfully request that the parties be granted a ninety (90) day enlargement of discovery from July 30, 2008, until October 30, 2008. This is the second request for an enlargement of discovery in this action. The court previously granted the City's request to extend discovery in this matter from May 14, 2008, until July 30, 2008.

As background, the complaint alleges, *inter alia*, that plaintiff Kia Alford was subjected to false arrest and imprisonment; excessive force; assault; battery; and malicious prosecution stemming from an incident that took place in the subway system on or about May 8, 2007. Plaintiff Kia Alford's mother, Chrystal Richardson, is also a plaintiff in this action who is seeking to recoup monies she spent on legal expenditures for plaintiff Kia Alford and lost in her

¹ The complaint also purports to name the "New York City Police Department" and "Corporation Counsel, City of New York". With respect to the New York City Police Department and Corporation Counsel, City of New York, neither are suable entities and, therefore, are not properly named parties in this matter.

Signature of Michael A. Cardozo
7.9.08

own wages on instances when she missed work to accompany plaintiff Kia Alford to Family Court on her underlying juvenile delinquency case.

Discovery is currently scheduled to close in this matter on July 30, 2008. An enlargement of discovery is necessary for a number of reasons. First of all, beginning on May 13, 2008, Mr. Stone was out of the office on medical leave for approximately five weeks, during which time the parties were unable to proceed with further discovery. Secondly, the parties participated in a settlement conference before Magistrate Judge Henry Pitman on July 1, 2008, which was unfortunately unsuccessful. To date, no depositions have been taken in this matter, as defendants were hopeful that the settlement conference could bring the parties closer to resolving the case. Consequently, both parties now intend to proceed to depositions in this matter. Thirdly, I will be engaged in trial preparation and participating as trial counsel before Judge Charles P. Sifton in the Eastern District of New York in the case of Harwinder Vilku v. City of New York, et. al., 06 CV 2095 (CPS)(JO), which is scheduled to commence on July 14, 2008. The parties in that matter have estimated that the Vilku trial will last between four (4) to seven (7) days. Therefore, I will be unavailable to participate in discovery in this matter during the weeks of July 7, 2008, July 14, 2008, and potentially part of the week of July 21, 2008. Fourthly, both of the plaintiffs in this matter have relocated to Nashville, Tennessee. Therefore, it will be necessary for them to make travel arrangements to New York in order to have their depositions taken. Lastly, Mr. Stone informed me that he intends to take a regularly scheduled vacation in August, 2008, during which time the parties will be unable to proceed with discovery in this matter. In view of the foregoing, an enlargement of discovery will allow time for the parties to complete discovery and schedule and conduct depositions in this matter.

Accordingly, for the reasons set forth herein, the parties respectfully request that the court grant a ninety (90) day enlargement of discovery from July 30, 2008, until October 30, 2008.

Thank you for your consideration in this regard.

Respectfully submitted,



Robyn N. Pullio (RP 7777)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: **BY FAX**
Joseph I. Stone, Esq.
Attorney for Plaintiffs
277 Broadway
New York, New York 10007
Fax: (212) 571-0276